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VIA ECF

Hon. Katherine Polk Failla, U.S. District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: *Risley v. Universal Navigation Inc., et al.*, Case No. 1:22-cv-02780-KPF

Dear Judge Failla:

On behalf of Plaintiffs, we write to inform Your Honor of a recent decision that Your Honor may find informative in deciding Defendants' pending motions to dismiss.

Please find enclosed a decision from the Honorable Larry Alan Burns in *Sarcuni v. bZx DA*, No. 22-cv-618-LAB-DEB, 2023 U.S. Dist. LEXIS 52245 (S.D. Cal. Mar. 27, 2023). There, the plaintiffs brought a putative class action for negligence against a Decentralized Autonomous Organization ("DAO") and entities that the plaintiffs allege control the DAO. Two groups of defendants subsequently moved to dismiss the plaintiffs' first amended complaint. In denying one group of defendants' motion entirely and the other in part, the Court held the plaintiffs' allegations that the defendant tokenholders control the bZx DAO through their holding of a governance token called "BZRX" was sufficient to allege a partnership existed among the BZRX tokenholders. *Id.* at *20-27. The Court also held the Plaintiffs sufficiently alleged that each of the individual defendants were partners of the bZx DAO. *Id.* at *28-30.

Respectfully submitted,

/s/ James R. Serritella

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Enclosure

cc: All counsel of record (via ECF)